



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

STEVEN HOWARD DAVID

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: Boone County Circuit Court
310 Courthouse Square
Lebanon, IN 46052
765-482-0530

C. Date and place of birth.

April 22, 1957
Fort Wayne, IN

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

Included with the original only

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.

I reside in Boone County, Indiana and have since November 1988

B. List all previous counties of residence, with dates.

1986 – 1988: I resided in Bartholomew County, IN

1982 – 1986: I served on active duty in the U.S. Army, and was stationed at Fort Benning, GA and Fort Benjamin Harrison, IN, but I maintained my Home of Record in Bartholomew County, IN.

1979 – 1982: I lived in Indianapolis during law school, but I maintained my Home of Record in Bartholomew County, IN.

1975 – 1979: I attended Murray State University in Murray, KY, but I maintained my Home of Record in Bartholomew County, IN.

1965 – 1975: I lived in Bartholomew County, IN, with my parents, on property they purchased in 1947. Their goal had always been to settle in Indiana.

1964 – 1965: My Father retired from the U.S. Air Force and we moved to Johnson County, IN.

1962 – 1964: My Father's last duty station with the U.S. Air Force was at the Pentagon, and we resided in Suitland, MD.

1960 – 1962: My Father was stationed, and we resided, at Clinton Sherman Air Force Base in Clinton, OK.

1959 – 1960: My Father was stationed, and we resided, in the Azores, off the coast of Portugal.

1957 – 1959: My birthplace, Fort Wayne, IN.

C. When were you admitted to the Indiana Bar?

June 4, 1982

D. Are you currently on active status?

Yes

E. What is your attorney number?

4739-03

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Murray State University	Fall 1975 - May 1979	B.S. Finance Magna cum Laude

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law, Indianapolis	Aug 1979 – May 1982	J.D. 71/210
The Judge Advocate General's School, Officer Basic Course	Sep 1982 – Dec 1982	Certificate
The Judge Advocate General's School, Officer Advance Course	1989 – 1991 Non resident	Certificate
U. S. Army Command and General Staff College	1994 – 1997 Non resident	Certificate
National Judicial College course on presiding over capital cases	1997	Certificate

Graduate Program for Indiana Judges	1999	Certificate
Indiana Judges Faculty Development Course	2001	Certificate
44th Military Judge's Course (All services) Army Judge Advocate General's School	2001	Certificate

C. Describe any academic honors, awards, and scholarships you received and when.

Undergraduate:

Reserve Officer Training Cadet (ROTC) Scholarship Recipient – 1976
Murray State University Outstanding Senior in Finance – 1979
Murray State University Magna Cum Laude graduate (3.78/4.0 GPA) – 1979
Murray State University Distinguished Military Graduate – 1979
Omicron Delta Kappa Honorary Leadership Society

Law School:

Phi Delta Phi Legal Fraternity
Law School Moot Court Team
Law School Client Counseling Team
I worked part time during the school year and full time during the summers as a law clerk.

Post Law School

Top Secret Security clearance since 1982
Awarded Top Secret – Sensitive Compartmented Information Clearance (the highest level of security clearance in the U.S. Government) in 2007
Defense Superior Service Award - the Nations third highest non-combat medal of more than 75 medals that can be awarded to military members
Meritorious Service Medal – 4 awards
Army Commendation Medal – 5 awards, as well as numerous other military awards and decorations

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Summer of 1979: Rose Acre Farms, Seymour IN – Laborer/Carpenter
I then started law school in August of 1979.

Summer 1980 – May 1982: Law Clerk, Richard S. Eynon, P.C., Columbus, IN

June 1982 – September 1982: Practiced law as an associate with Richard S. Eynon, P.C., Columbus, IN. I worked primarily on personal injury matters and in the general practice of law.

September 1982 – February 1986: United States Army Judge Advocate General's Corps. I served at Fort Benning, GA, and at Fort Benjamin Harrison, IN, as a member of the Trial Defense Service, as a Legal Assistance Officer and as the Chief of Legal Assistance. I defended soldiers at courts-martial under the Uniform Code of Military Justice and in administrative actions. The crimes that soldiers were charged with are analogous to State or Federal crimes and the Military Justice system is very similar to Federal Court practice. I also served as a legal assistance officer where I provided general legal advice and prepared divorce separation agreements, wills, trusts and other related legal documents.

February 1986 – February 1987: Practiced law in Columbus, IN, with the law firm of Cline, King & King, which became Cline, King, King & David. Our firm was general practice with emphasis on family law and civil litigation.

February 1987 – November 1988: Practiced law in Columbus, IN, with the law firm of Richard S. Eynon, P.C. We were a general practice firm with emphasis on family law and civil litigation.

November 1988 – December 1994: Served as corporate counsel, then Senior Attorney and Assistant Secretary for Mayflower Transit, Inc., Carmel, IN. I served as in-house counsel on human resource, IRS, contracts, agency development, mergers and acquisitions, divestitures, real estate, subsidiary management and related matters. I supervised outside counsel in a myriad of legal matters primarily relating to personal injury and property damage litigation.

January 1994 to present: Serve as Judge of the Boone County Circuit Court, 310 Courthouse Square, Lebanon IN. This is the only constitutionally created Judicial position in Boone County. I preside over civil, criminal and all juvenile matters. I serve as Special Judge when selected by parties or referred by other Courts, and I have served as Special Judge on numerous occasions upon direct appointment by the Indiana Supreme Court. I have also served as the hearing officer for attorney misconduct cases and as Special Master for judicial misconduct cases. My trial experience includes death penalty cases, class action litigation and complex civil and family law matters.

February 1986 – May of 2009: I have served in the Active Army Reserves in numerous units with widely varying missions. I have served in such locations as Fort Campbell, KY; Fort Knox, KY; Fort Bragg, NC; Fort Bliss, TX; Fort

Harrison, IN; Columbus, OH; Cincinnati, OH, Washington, DC; Alexandria, VA; Guantanamo Bay, Cuba; U.S. Southern Forces Command – Panama; and U.S. Southern Forces Command – Miami; Germany and Iraq. I have served as a defense counsel (criminal defense attorney), trial counsel (prosecutor), team leader, training officer, legal assistance officer, military judge (both in the Active Reserve and as a mobilized officer in 2003), Branch Chief for Professional Responsibility while mobilized in 2009, twice as a Commander of a Legal Support Organization and as the Chief Defense Counsel for the Office of Military Commissions.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I have served the citizens of Boone County as the elected Circuit Court Judge since January 1, 1995. I serve with the Honorable Matthew Kincaid, Judge of the Boone Superior Court I and the Honorable Rebecca McClure, Judge of the Boone Superior Court II. Both of these individuals have submitted letters of recommendations on my behalf. My full time Commissioner is the Honorable Sally Berish.

C. Describe the extent of your jury experience, if any.

I have extensive jury trial experience in every possible role: Indiana Trial Court Judge, Military Judge, Plaintiff's counsel in civil jury trials, Defense counsel in civil jury trials, Military prosecutor, and as a criminal defense attorney. In addition, I served as the Chief Defense Counsel during Military Commissions trials at Guantanamo Bay, Cuba.

I have tried or presided over at least 60 jury trials and thousands of bench trials.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

As a Circuit Court Judge for over 15 years, I have presided over a multitude of jury trials where the charges ranged from murder and rape to misdemeanor battery. I have also presided over complex civil jury trials.

In addition, I have presided over many complicated cases, both criminal and civil, from death penalty to class action matters that pled or settled prior to trial. Despite the ultimate resolution, these cases were prepared to go to trial and took extensive time to coordinate and manage with numerous complex pre-trial motions and discovery issues.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. State of Indiana v. Zolo Agona Azania, Cause Number 02D04-8109-CF-401
This is death penalty case wherein I was appointed Special Judge by the Supreme Court. (May 2005) I wrote the opinion as the trial court judge.
2. Marion-Adams School Corporation v. Paula Boone, Cause Number 06C01-0408-PL-480. (June 2005) I wrote the opinion as the trial court judge.
3. In the Matter of the Termination of the Parent Child Relationship of S.H., a Minor Child, B.H. and C.H., Parents, Cause Number 06C01-0810-JT-459. (July 2009) I wrote the opinion as the trial court judge.
4. Edward Kohl v. Sheila D. Kohl, Cause Number 06C01-0406-DR-298. (September 2005) I wrote the opinion as the trial court judge.
5. In re the Matter of the Termination of the Parent Child Relationship of L.L, a Minor Child, L.N and D.N., Parents. Cause Number 06C01-0208-JT-371. (March 2003) I wrote the opinion as the trial court judge.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

In 2003, I provided comments to the drafters of the original draft of the Rules and Procedures for the Military Commissions Act. In 2007-2008, during my tenure as Chief Defense Counsel for the Office of Military Commissions, I participated in the establishment of trial procedure and protocols, including complicated discovery issues, the identification, processing and transmission of classified material, production of evidence, attorney access to clients and attorney-client ethical issues. I drafted numerous legal opinions and position statements that were instrumental in shaping the trial practice at Guantanamo Bay.

From 2004 – 2006, I testified before the Indiana General Assembly on several occasions while serving as President and as a member of the board of the Indiana Council of Juvenile and Family Court Judges on such issues as education reform for children in placement outside of their homes, the shift of child welfare funding from the county property taxes to the state general fund, juvenile court proceedings, and juvenile jurisdiction matters. In 2006-2007, I worked directly with the Family and Social Services Administration Director, representatives of the Governor's office and members of the Legislature on funding challenges for our State's children.

In 2008, I testified before the United States House of Representatives Armed Services Committee on issues relating to national security and Guantanamo Bay. I testified on a panel with the acting Attorney General for the United States, the General Counsel for the Department of Defense, and the Under Secretary for Detainee Affairs. The discussions centered on current Military Commissions practices and potential changes to the Military Commissions Act.

In 2004 – 2005, I worked with the Department of Child Services, Legislative Services and representatives of various school systems to formalize the Court Assisted Resolution of Suspension and Expulsion, Indiana Code 20-33-8.5, et seq. The purpose of this legislation was to codify what Boone County was already doing and had been doing for some time, and to set up a statutory framework to encourage other counties to take such initiative to reduce suspension and expulsion of students, reduce juvenile delinquency and to raise academic performance.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

1. *Res Gestae*, May 2010, Limiting Distractions and Maximizing your Case. This is a “View from the Bench” article on how attorneys can perform better in the Courtroom with more success for their client.
2. I wrote a paper and presented at the 19th Annual DePaul Law Review Symposium at the DePaul University College of Law, Chicago, IL, on March 20, 2009. This symposium, “Guantanamo Bay and Beyond,” was sponsored by the DePaul Law Review and the International Law Human Rights Institute.
3. In 2003, I was the Judge Advocate General of the Army’s designated legal advisor to Major General Donald Ryder, Provost Marshal of the Army, who commanded all Military Police and Security personnel in the Army. The focus of our mission was Detainee Operations in Iraq. Our objective was to observe detention and prison operations, identify potential systemic and human rights issues, and provide near term, mid-term, and long-term recommendations to improve our military’s operation and transition of the Iraqi prison system from U.S. military control/oversight to the Coalition Provisional Authority and eventually to the Iraqi government. I personally accompanied General Ryder and was the only attorney on his team. We traveled to Iraq in 2003, conducted extensive investigations, compiled our facts and drafted our report. I was a contributing author to “The Ryder Report.” Many of our findings and recommendations were later adopted by Major General Taguba in the now famous “Taguba Report.” Our assessment focused on 1) detainee and corrections system management; 2) detainee management; 3) Court integration

and docket management for criminal detainees; 4) detainee legal processing; 5) plans for transition to an Iraqi-run corrections system and other issues. "The Ryder Report" contributed greatly to subsequent changes and reforms in many areas, particularly after the abuses at Abu Ghraib came to light. Subsequent investigations and reviews found our work to be "thorough and precise" and that our recommendations "should be implemented immediately."

4. In 2006, following over 100 separate speaking engagements about parenting and children issues, I authored "Judge David's Rules for Parenting," a collection of 24 common sense tips for parenting. Over 5,000 copies of this booklet have been distributed throughout Indiana by parent's groups, churches, schools and other child agencies. It has been translated into Spanish and a Spanish version has been printed and distributed.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Two written opinions are enclosed as well as the article from *Res Gestae* and "Judge David's Rules for Parenting."

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

While in private practice in Columbus, IN, I provided pro-bono legal services upon referral. While serving in the U.S. Army JAG Corps, I participated in regular "Ask a Lawyer" programs and volunteered to provide free tax preparation assistance to soldiers and their families. As the Circuit Court Judge, I have worked diligently to advance pro bono legal services in Boone County. I invited the Director of the Heartland Pro Bone Services to speak at a local CLE to promote pro bono in Boone County, and I have worked with Heartland and our local Bar Association to improve the delivery of pro bono legal services to residents of Boone County.

While serving as the Chief Defense Counsel for the Military Commissions, I directed and oversaw the delivery of pro bono legal services to detainees at Guantanamo Bay, Cuba. I presented the office's first "John Adams" award to two pro bono lawyers from Seattle whose firm incurred millions of dollars in pro bono legal fees defending Salim Hamdan. Their work included winning an appeal before the U.S. Supreme Court and obtaining a favorable verdict and sentence at trial before the Military Commissions.

My work with Pro Bono counsel serving with the Military Commissions and Habeas Counsel representing detainees at Guantanamo Bay, particularly our work in expanding the involvement and numbers of pro bono counsel

providing services, resulted in my receiving *The Law Office of the Southern Center for Human Rights Frederick Douglas Human Rights Award* in November 2007.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. In August of 1999, I was chosen by the Indiana Supreme Court and entrusted as Special Judge to preside over the case of State v. Mark Lichtenberger in Adams County. Mr. Lichtenberger was charged with capital murder in the ambush execution of an Indiana State Police Officer. Mr. Lichtenberger disconnected the tail light on his vehicle and repeatedly drove up and down one of the main streets of Decatur, IN, on a Friday night in an attempt to lure a law enforcement officer into a traffic stop. Mr. Lichtenberger carried out his plan to ambush the officer with an assault rifle. This was a high-profile case with significant media attention and the case contained numerous complex pre-trial motions. The Defendant was alleged to be involved with several hate groups and anti-government movements, which naturally complicated the case. This case involved hundreds of hours of preparation and travel time, and during the course of the case, I made numerous trips to Adams County. The case took over a year to resolve and just prior to what was anticipated to be a multi-week trial, the Defendant pled guilty to a life sentence without parole. Over 100 Indiana State Troopers in full dress uniform attended the sentencing hearing. The Defendant has never appealed his conviction. Our law enforcement officers put their lives on the line in service to the citizens of Indiana every day. This was an extremely emotional case with extraordinary media attention and public outcries for justice. In a case that was both sensationalized and delicate, it was of the utmost importance that the proceedings be conducted with the dignity and decorum fitting of an Indiana courtroom, and I was proud that the Indiana Supreme Court entrusted me to carry out that task.

2. Being nominated by the Judge Advocate General of the Army and selected by the General Counsel of the Department of Defense to serve as the Chief Defense Counsel for the Military Commissions at Guantanamo Bay, Cuba, was both an honor and the most difficult assignment of either my military or civilian career. I was personally responsible for the overall defense of the detainees at Guantanamo Bay, which included: establishment of the necessary basic resources; recruiting, interviewing and selection of military attorneys from all the services, as well as civilian attorneys, paralegals, intelligence analysts and other litigation support personnel; sole responsibility for the qualification and admission of civilian pro bono and other counsel to practice before the Commission; assigning attorneys and paralegals to individual cases; providing supervision and assistance to all counsel on all cases; and representing the Office of the Chief Defense Counsel in matters dealing with

the White House, the Office of Legal Counsel in the Pentagon, Congress, the FBI, the CIA, the Prosecution, the Department of Justice, the Convening Authority, foreign governments, the world media and many other entities. During my tenure, more cases were filed by the government than ever before. I personally managed the growth of personnel from less than 20 to more than 80 and the expansions of offices from three to seven. The issues addressed by my office were historic in nature and the most complex of my legal career, including litigation over whether the Constitution even applied to these cases. A number of the cases were death penalty cases with all of the complicated issues that accompany them. International law issues were litigated. In addition, challenges regarding access to clients, attorney-client relationships, complex discovery involving security classifications and national security, and torture and inhumane treatment were common. I was privileged to work with the most professional and dedicated people, not only in my office, but in the Office of the Convening Authority and the Office of the Chief Prosecutor. Our office and personnel received many awards and recognitions during my tenure for our defense of the Rule of Law and our resolve to give our clients the best possible defense. I served in a position that many people did not understand. A number of people disagreed with any attempts to provide any due process to the detainees and some have made it personal against me. The Indiana Supreme Court, the Indiana Trial Judiciary, and the Boone County Bar Association were all extraordinarily supportive of my mobilization and my assignment. I was honored to receive recognition for my efforts when I was awarded the Defense Superior Service Medal by the Secretary of Defense, Robert M Gates.

3. Having Juvenile Court Jurisdiction is both a tremendous burden and a great opportunity. I have been a criminal defense attorney, both in civilian and military practice. I have served as a prosecutor in the military. I have done family law and civil litigation, and presided over military cases as a Judge and every type of case as the Circuit Court Judge in Boone County. The most difficult but most important task is to restore, educate, motivate, protect, get healthy, save and re-focus our young people. Quite simply, they are our future and this work is my passion. Our children are dependent on us to do everything we can to protect them from predators; to protect them from themselves, if necessary; and to protect others from them, if necessary. It is critical that not only judges, but all those involved in the juvenile justice system understand how crucial this work is. Of all the things I do, this is where I get the most joy and experience the most sorrow and it is what makes for sleepless nights. We track our children in out-of-home placement very carefully. We have hearings on placement more frequently than is required. I believe this gives children and parents an incentive to do what is right, and it helps us avoid "placement drift." More frequent hearings also give us added opportunities to review the placement, modify our plan and have direct contact with children and families. Of course, this approach makes for more hearings and further congests the

already congested docket, but the results are worth the effort. In addition, long before State law required it, I required that in Boone County, a Guardian ad Litem was appointed in every Child in Need of Services (CHINS) case. Furthermore, every attorney who practices juvenile law on a contract basis in Boone County, whether they represent the mother or father in a CHINS case or the child in a Juvenile Delinquency (JD) or Juvenile Status (JS) case, has access to the Judges Benchbook so that they can be the best they can and do the best they can for their clients. Virtually every year I offer a Continuing Legal Education opportunity tailored to the juvenile practice, not because it is required but because I believe it is that important. Years ago, I saw the need to bring together the various stakeholders of the community to talk about juvenile issues and challenges facing not only those children in the “system” but all children. I created a program to do just that. This year, we had our 10th Judge David’s Annual Community In-Service. We regularly have over 250 people attending. Anyone is welcome to attend, but we have significant participation by law enforcement, teachers and school administrators, guardian ad litem, parents, child advocates, probation officers, Department of Child Services case workers, and many others. We provide speakers from Indiana and across the Nation, presenting on subjects as diversified as bullying to the internet, the development of the juvenile brain, to texting and driving. During the last few years, all three high schools in our county have sent a team of students to make presentations on issues that affect them on a daily basis. The website for this program is www.communityinservice.com. We must continue to take responsibility for our children and do all that we can to provide a safe and stable environment for them. We must work together to help parents, and when necessary, motivate parents. We cannot rely solely on our schools to solve our juvenile issues and we cannot rely on the “state” to do our work.

4. Unfortunately, having all of the juvenile jurisdiction in the county means that I have had to preside over cases where the Department of Child Services (DCS) has filed a Petition to Terminate Parental Rights. In other words, there is an allegation made by DCS that despite months of working with the parent, the parent is unfit, and I must, therefore, make the decision whether to permanently terminate the parent’s rights. I have heard hundreds of divorce cases and have had to determine which parent is granted physical custody of minor children and why. I have had to determine the guilt or innocence of a criminal defendant and what the appropriate sentence would be. However, termination of parental rights cases are the most difficult cases to preside over. Being overturned on appeal is not an option. These children are already traumatized, their lives already challenged. I take these cases very seriously and I understand the enormity of what is at stake – a child’s relationship with his/her parents and a parent’s relationship with his/her child is forever affected. I have ruled that parental rights should be terminated and I have ruled that parental rights should not be terminated. I have never had a case overturned on appeal. Yet in all my experience in over 15 years on the bench,

these cases never get easier - they still present the most challenging legal and emotional issues I face and I give each of these cases careful consideration.

5. As an member of the U.S. Army Judge Advocate General's Corps for over 28 years (active duty and active reserve time), I have had many opportunities for a variety of assignments. My assignment as the Commander of the 9th Legal Support Organization in 2004 was one of the most special assignments. It was my first assignment as a Commander, a position that lawyers do not often get to serve in. I served for three years as essentially the Senior Partner in a law firm of approximately 60 military lawyers and paralegals. The lawyers were all civilian attorneys living and working in Indiana, Ohio, Michigan, Kentucky and Pennsylvania. Some were employed by the government, some elected prosecutors, some in private practice, some litigators. All were reservists. We had multiple locations with a headquarters in Columbus, Ohio. Our mission was to provide legal support to units in the Midwest as well as to provide personnel to support the 82nd Airborne at Fort Bragg, North Carolina; the 101st Air Assault Division at Fort Campbell and U.S. Army Southern Command (SOUTHCOM) located in Panama City, Panama and then later in Miami, Florida. We often had people deployed to Iraq and elsewhere and always had high-tempo missions going on. This was a part-time job that consumed much of my free time, but it was a tremendously satisfying assignment in large part because I was working with many young attorneys. I had the opportunity to do some mentoring and develop some training standards for the unit. As the Commander, I was personally responsible for the unit's combat readiness and ability to perform all essential military and legal tasks. We had multiple drilling locations and multiple missions. I had to ensure that our training program was second to none and that all 60 plus personnel were mentally, physically, and intellectually prepared. Being responsible for the professional development of a large group of people is a significant challenge, particularly when each of the members of the unit would spend days or months on active duty supporting numerous legal offices around the world. They were expected to arrive ready to go and fully trained. Once I completed my three-year tenure as the Commander of the 9th LSO, I was fortunate to be selected to command a second unit, a very rare occurrence in the Army's JAG Corps.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

1. Andrew Soshnick, Baker & Daniels, LLP, Suite 2700, 300 N. Meridian Street, Indianapolis, IN 46204. Phone: 317-237-0300.
2. Tony Patterson, Parr Richey Obremskey Frandsen & Patterson, 225 West Main Street, PO Box 668, Lebanon, IN 46052. Phone: 765-482-0110.

3. **Todd Meyer, Boone County Prosecutor, 103 Courthouse Square,
Lebanon, IN 46052. Phone: 765-482-6860.**

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

In 2009, upon completion of my service as Chief Defense Counsel for the Military Commissions, I was awarded the Defense Superior Service Award by the Secretary of Defense, Robert Gates. The Defense Superior Service Award is the sixth highest award a member of the military can receive, and it is the third highest non-combat award a member of the military can receive. The citation reads, in part, “...during this period, the outstanding leadership and ceaseless efforts of Colonel David resulted in major contributions to the national security of the United States. COL David tirelessly defended the rule of law as a fundamental principle of American justice as Chief Defense Counsel, resulting in an elevation of respect for the United States internationally. He presided over the Office of Military Commissions-Defense at a critical juncture in our nation’s history and personally ensured that detainees at Guantanamo Bay were provided a vigorous and zealous defense which measured up to the highest standards of ethical and legal advocacy to detainees at Guantanamo Bay....The exceptional results that COL David obtained directly contributed to the accomplishment of the mission of the Office of the Chief Defense Counsel. The distinctive accomplishments of Colonel David reflect great credit upon himself, the United States Army, and the Department of Defense.”

I was honored to be asked and to give a plenary address at the Annual Conference of Indiana Judges in 2008 on the “Rule of Law.” My speech discussed my role as Chief Defense Counsel of the Military Commissions and its application to our everyday obligations as Judges and Lawyers.

In 2009, Laurie Boyd, Heartland Pro Bono Council Director, and I shared the “Access to Justice” award by the Muslim Alliance of Indiana. The award was presented by Justice Frank Sullivan, Indiana Supreme Court.

In 1995, my first year on the bench, I sensed a need for a local, cost-effective Continuing Legal Education. Therefore, I created, hosted and taught the first Boone County Circuit Court Continuing Legal Education Program in November of 1995 for three hours of CLE credit. This program has grown to a six-hour, all-day event with guest lecturers and presenters from private practice, the Indiana Court of Appeals, the Supreme Court of Indiana, government practice and others. The CLE provides top notch legal education to over 120 lawyers from Boone County and surrounding counties.

As referenced earlier, I created Judge David's Community In-Service. This day-long event is recorded and broadcast on local television. It includes presentations from high school students from all of the school systems in Boone County. We have had nationally-known speakers present at the event.

I worked with Judges' Kincaid and McClure of Boone County to establish the Boone County Family Court project. The aim of this project is to minimize the number of Courts that a family could be involved in and to facilitate the transfer and consolidation of cases so that one Judge could hear multiple cases involving the same family members to achieve consistency and priority of these cases. This project has received funding from the Indiana Supreme Court.

My efforts to improve the availability of mental health services for children has resulted in my being recognized by the Indiana chapter of the National Alliance for the Mentally Ill.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have been a member of the Lebanon Kiwanis Club and have participated in numerous initiatives by the Club in Boone County to serve the needs of our youth.

I created the Boone County Community In-Service to educate our county on challenges facing our children and potential solutions to those challenges. Next year will be our 11th Annual In-Service.

I currently serve on a Task Force working to establish a mentoring program in Boone County, targeting at-risk elementary and junior high children.

In 2009, I was a member of the Boone County team at the State's "Drop Out Prevention Summit." I am proud to announce that two of our school systems just hired "Graduation Coaches" to target at-risk high school students and work directly with them to increase their likelihood of graduation. This was made possible through a joint community effort, and I was pleased to have played a significant role in this outcome.

I am currently working with our County Prosecutor to establish a Special Victims Unit in Boone County to coordinate and manage all child victim and domestic violence cases.

I have been a frequent speaker at Memorial Day, Veterans Day, and 9/11 Memorial Services throughout the county. I have spoken at Rotary, Lions, Kiwanis, and other charitable organizations and service clubs in Boone

County. I have given several commencement addresses, including the Western Boone High School Graduation in 2007.

I have served as a precinct committee person in two different counties. Prior to my election to the bench, I served in a number of volunteer positions for my party and for local candidates.

In 1999, I was selected the "Citizen of the Year" for my service to my community. The award was presented during the Annual Civic Awards night. I have served as Master of Ceremonies for numerous local charitable events and programs.

Our goal in Circuit Court is treat all those who come before the Court equally, professionally and civilly. We invite suggestions to improve our operation and encourage feedback via the Court's website. Ten years ago I incorporated a jury survey that we send out following each jury trial. Boone County was one of the first counties to do this survey with an anonymous format. We have consistently received high marks for the way we conduct our jury trials. As a result of the jury surveys, we have received several excellent suggestions that have made the jury selection process more efficient.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Community Foundation of Boone County Board of Directors – I currently serve as the Grants Committee Chair and on the Executive Committee

Zionsville Area Boys and Girls Club Board of Directors – 2002 to present

Lebanon Area Boys and Girls Club Board of Directors – 1995-2001

Lebanon Kiwanis Club – member over 10 years

Zionsville American Legion- member over 5 years

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana State Bar Association member – served as General Counsel to the President 2006-2007

Boone County Bar Association, 1989 to present

National Council of Juvenile and Family Court Judges, 1995 to present

Indiana Council of Juvenile and Family Court Judges dates, 1995 to present. I served as Vice President and President from 2004 to 2006, and I am presently a member of the Board of Directors. The Council serves as the liaison between Judges in Indiana with juvenile court jurisdiction and a multitude of child welfare entities. It helps to educate and inform judges and to improve the administration of juvenile justice and the delivery of services to children and families across the state.

Indiana Judges Association, 1995 to present

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Lebanon Elks Club – over ten years

Zionsville American Legion – since 2004

Delta Sigma Phi Fraternity – since 1976

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

**Adjunct Professor – University of Indianapolis, Spring Semester 2010
Taught Criminal Evidence to undergraduate students**

Frequent Continuing Legal Education presenter in Boone County and throughout the State of Indiana on topics such as Criminal Evidence; Managing your Divorce Case; Criminal Law; Contempt Powers; Juvenile Law and Procedure; Managing Juvenile Cases; Guantanamo Bay; Military Law; Servicemembers Civil Relief Act and its revisions; The Declaration of Independence as the Nation's first class action lawsuit; and Jury Selection and Opening Statements. I have done numerous presentations for the Indiana Continuing Legal Education Forum, a not-for-profit organization that provides legal education for Indiana lawyers. For example, I was a faculty member for the 7th Annual Family Law Institute in 2009, and a two-day seminar in 2006 entitled "Advanced Family Law."

I am a former member of the Judicial Education Committee of the Judicial Conference of Indiana, which had primary responsibility for the planning and execution of judicial education for Indiana's Trial Judges. I have also taught/presented on numerous occasions at various Judicial Conferences,

including giving the plenary address to all of Indiana's Judges in 2008 on "Doing What is Right."

Annual presenter at the Boone County Circuit Court/Bar Association CLE Event since its inception in 1995.

G. Describe your hobbies and other leisure activities.

My wife and I enjoy doing triathlons, half marathons, marathons, adventure races and most any outdoor activity. Community service is also a passion my wife and I share. I enjoy playing golf with my 87-year-old father.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

- 1. Lieutenant General (RET) Scott C. Black, Vice President, Army-Joint Programs, BAE Systems, Inc., 1601 Research Boulevard, Rockville, MD 20850. Phone: 301-838-6113.**
- 2. COL (Ret) Denise Vowell, Special Master, United States Court of Federal Claims, 1440 New York Avenue, N.W., Suite 200, Washington, D.C. 20005. Phone: 202-357-6400.**
- 3. Richard S. Eynon, P.C., 555 First Street, P.O. Box 1212, Columbus, IN 47202-1212. Phone: 812-372-2508.**

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

- 1. Don Lundberg, Partner, Barnes & Thornburg, 11 South Meridian Street, Indianapolis, Indiana 46204-3535. Phone: 317-231-6427.**
- 2. Tom Pyrz, Executive Director, Indiana State Bar Association, One Indiana Square, Suite 530, Indianapolis, IN 46204. Phone: 317-639-5465.**
- 3. Tom Easterday, Executive Vice President, Secretary & General Counsel, Subaru of Indiana Automotive, Inc., 5500 State Road 38 East, Lafayette, IN 47905. Phone: 765-449-6288.**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

**Divorce – 1987 Decatur Circuit Court Cause number 16C01-8706-DR-180
Steven David & Kathryn David**

**Divorce – 2003 Brown Circuit Court Cause number 07C01-0311-DR-459
Steven David & Colleen David**

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

NONE

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

Only Indiana

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

NO such actions

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

NONE


IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

ABSOLUTELY

June 23, 2010
DATE


APPLICANT'S SIGNATURE
Steven H. David
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

23 June 2010

DATE

APPLICANT'S SIGNATURE

Stewart H. David

PRINTED NAME